

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN LARMAR BARNES,

Plaintiff.

Case No. C-1-02-101

Judge Spiegel

-vs-

MATTHEW THOMAS,

Defendant.

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE TESTIMONY

Now comes Plaintiff, by and through counsel, and moves the Court for an order to exclude (1) any testimony or examination of alleged self-inflicted injury by Plaintiff; and (2) any testimony of disciplinary actions against Plaintiff. A Memorandum in Support is attached.

Respectfully submitted,

/s/Derek A. Farmer  
Derek A. Farmer (0071654)  
Derek A. Farmer & Associates, Co., LPA  
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Columbus, Ohio 43230

Counsel for Plaintiff

MEMORANDUM IN SUPPORT

Although Defendant objected to Dr. Clinchot being deemed an expert witness, and the Court has sustained that objection, the record will reflect that it was Counsel for Defendant, on cross-examination, during the doctor's deposition, who asked questions that only an "expert" would be permitted to answer, over the objections of Plaintiff.

Moreover, Counsel for Defendant attempted to develop a "self-inflicted" would theory attributing Plaintiff's injury to Plaintiff as opposed to the defendant. Since there does not exist any (not even an iota) of evidence that Plaintiff's injury was self-inflicted, any testimony or questions would create unfair prejudice inconsistent with F.R.E. 403.

Finally, Defendant has moved the Court to exclude testimony of Defendant or his Witnesses concerning disciplinary action taken against them. Thus, if Defendant should agree that the same exclusion should apply to Plaintiff and his witnesses.

Respectfully submitted,

s/Derek A. Farmer  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically served on Marianne Pressman, Assistant Attorney General, 1600 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202 this 20<sup>th</sup> day of May 2005.

s/Derek A. Farmer  
Derek A. Farmer